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STRATEGIC PATENTS P.C..
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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/803,243	LIWERANT ET AL.	
	Examiner	Art Unit	
	DOMINIC D. SALTARELLI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,7,13-42 and 85-90* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,7,13-42 and 85-90* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/12/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 6, 7, 13-15, 17, 30, 32, 36, 40-42, 85, 86, 88, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (6,774,926, of record) [Ellis] in view of XP-002150023 ['Streaming Email'] and Bartholomew et al. (5,712,903) [Bartholomew].

Regarding claims 1, 85, and 89, Ellis discloses a method of sharing a video segment (col. 1, lines 19-22) over a computer network (fig. 1, communications network 40), the network comprising a receiving computer (fig. 1, server 50 which receives uploaded content, col. 4, lines 6-18) and a plurality of other computers including a destination computer (fig. 1, user equipment), the method comprising the steps of:

receiving at the receiving computer the video segment and an electrion to share with an authorized use the video segment (content can be designated as

protected content to be viewed only by authorized users, col. 12, lines 5-7) sent over the computer network form one of the plurality of other computers (col. 4, lines 6-18);

performing automatically, at the receiving computer, in response to a command received over the network (namely, the received commands enabling reception of the video segment by the receiving computer), the steps of:

assuring that the video segment is in a streaming video format (conversion to a streaming MPEG format is performed if necessary or desired, col. 4, lines 6-18 and col. 8, lines 27-36);

creating an identification tag for the video segment to identify the video segment (identification information is associated with each segment so as to allow remote users to select said segments to watch, said information used to populate a program for program selection, col. 9, lines 1-15 and col. 10, lines 10-16);

storing the video segment under the control of the receiving computer in the streaming format (col. 7, lines 49-57 and col. 8, lines 18-36); and

returning the identification tag to the one of the plurality of other computers (as part of a program guide used for selecting programs, col. 9, lines 1-15); and

receiving the identification tag at the receiving computer and, in response to the receipt of the identification tag (and verification that the identification tag

was sent form the authorized user, col. 12, lines 5-7) at the receiving computer, streaming the video segment in the streaming video format over the network to the destination computer (col. 10, lines 17-33).

Ellis fails to disclose the automatic steps are performed directly in response to the received command, the identification tag includes a network-accessible location where the video segment is stored, and returning the identification tag in an electronic mail communication, and wherein the video segment is shared as a greeting card.

In an analogous art, 'Streaming Email' discloses sharing identification tags, which define network accessible locations where video segments are stored, via electronic mail communications (pg. 304 second paragraph, and pgs. 308-313, 'Video Express Email'), ensuring very quick delivery of a video enabled message to specific desired recipients.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis to include performing the automatic steps directly in response to the received command (as the sharing of video segments is in the form of an email correspondence, which means the generation of the identification tag (pointer), upload and storage of the video segment, and the subsequent distribution of the identification tag are performed directly in response to the user actually sending the email), the identification tag includes a network accessible location where the video segment is stored, and returning the identification tag in an electronic mail communication, as taught by

'Streaming Email', for the benefit of ensuring very quick delivery of a video enabled message to specific desired recipients.

Ellis and 'Streaming Email' fail to disclose the video segment is shared as a greeting card.

In an analogous art, Bartholomew discloses a video sharing system (col. 16, lines 16-36), wherein users are provided with the option to share video segments as video greeting cards (col. 17, lines 6-15), showing that such a use for said existing video sharing technology was both known, in use, and desirable at the time to those of ordinary skill in the art.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Ellis and 'Streaming Email' to share the video segment as a video greeting card, as taught by Bartholomew, combining known prior art elements of video sharing systems to obtain the predictable result of a video segment formatted as a video greeting card.

Regarding claim 2, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 1, wherein the video segment is displayed at the destination computer (Ellis, fig. 19 and col. 15, lines 40-52).

Regarding claim 3, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 1, wherein the video segment comprises an image with associated audio information (Ellis, col. 3, lines 19-29).

Regarding claims 6 and 7, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 1, wherein the computer network comprises a cellular communication connection [wireless networking connection] (Ellis teaches users may contribute using a cellular phone, col. 6 line 66 – col. 7 line 3).

Regarding claims 13, 14, and 86, Ellis, 'Streaming Email', and Bartholomew disclose the method of claims 1 and 85, wherein receiving the video segment and identification information at the receiving computer comprises receiving the video segment and identification information are sent in association with an upload form residing on a World Wide Web page (Ellis teaches user submissions are done via the world wide web, which thus utilizes FTP for transfers, col. 12, lines 13-16).

Regarding claim 15, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 1, wherein receiving the video segment at the receiving computer includes receiving information supplied by a sender at the one of the plurality of other computers (Ellis, col. 11 line 46 – col. 12 line 16).

Regarding claims 17 and 20, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises an

identification of the sender (Ellis' teaching of using a password, fig. 14, option 200, col. 11, lines 53-64).

Regarding claims 18 and 19, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 17, but fails to include the identification of the sender comprise a proper name or username.

It is notoriously well known for computer users to identify themselves using a name associated with the user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to include the identification of the sender comprise a proper name or username.

Regarding claims 21 and 22, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises a return address [e-mail address] of the sender (this is an inherent feature of email client software, as sending an email requires a user to have their own email address, which is automatically attached to outgoing messages).

Regarding claims 23-25, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises an identifier of the video segment (Ellis teaches inputting the title, option 210 in fig. 14).

Regarding claim 26, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 23, but fail to disclose the identifier comprises a date the video segment was produced.

It is notoriously well known to include time stamp information with video segments that indicate when the segment was recorded, marking the date when the segment was made.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to include a date the video segment was produced, for the benefit of providing the time a segment was made, which is important regarding time sensitive material, for example, parents who record a video of a young child usually want to keep track of exactly when the video was made.

Regarding claim 27, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 23, wherein the identifier comprises a location related to the video segment ('Streaming Email', pg. 34, second paragraph).

Regarding claim 28, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 23, wherein the identifier comprises a subject relating to the video segment (Ellis, col. 12, lines 26-40).

Regarding claim 29, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises a comment about the video segment (Ellis, fig. 14, description field 202).

Regarding claim 30, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises a period of time during which the video segment will be available (Ellis, fig. 14, option 204, col. 11, lines 65-67).

Regarding claim 32 and 36, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, wherein the information comprises an instruction for transmittal of a response, said instruction comprising a format of a physical medium to be used in sending a physical machine readable copy of the video segment (Ellis teaches sender's specify the communication path the programming is to use, col. 11, lines 53-64).

Regarding claims 40-42, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, but fail to disclose the information comprises financial information consisting of a credit card number or a financial account identifier.

It is notoriously well known in the art to pay for services provided over the Internet by submitting a credit card number or other financial account identifier.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to include in the information comprises financial information consisting of a credit card number or a financial account identifier, allowing a sender to easily pay for the service of sharing video segments as provided by the Internet server to which the videos are being uploaded to and distributed from.

Regarding claim 88, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 85, but fail to disclose receiving a mailing list including a plurality of email addresses and transmitting the electronic message to the plurality of email addresses.

Examiner takes official notice that it is common practice for email users to send messages to a plurality of other users. This is an operational feature that is found in email client software, and the use of it is quite common.

It would have been obvious at the time to a person of ordinary skill in the art to receive a mailing list including a plurality of email addresses and transmitting the electronic message to the plurality of email addresses, taking advantage of the mailing list feature found in email client software.

4. Claims 16, 33, 34, 35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, 'Streaming Email', and Bartholomew as applied to claims 15

and 32 above, and in further view of Hjalmtysson et al. (6,400,816, of record) [Hjalmtysson].

Regarding claims 16, 33, 34, 35, and 39, Ellis, 'Streaming Email', and Bartholomew disclose the method of claims 15 and 32 but fail to disclose the instruction comprises a formatting instruction, a speed of transmission, a transmission protocol to be used, or a display format of the video segment on a destination computer.

In an analogous art, Hjalmtysson teaches providing from a user wishing to upload video data instructions comprising formatting instruction, a speed of transmission, a transmission protocol to be used, and a display format of the data on a destination computer (col. 8, lines 46-65), affording users great flexibility in sharing video data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Ellis, 'Streaming Email', and Bartholomew to include receiving instructions comprising a formatting instruction, a speed of transmission, a transmission protocol to be used, or a display format of the video segment on a destination computer, as taught by Hjalmtysson, for the benefit of affording users great flexibility in sharing their video segments.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, 'Streaming Email', and Bartholomew as applied to claim 15 above, and further in view of Lenoir (6,741,737, of record).

Regarding claim 31, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 15, but fail to disclose the information comprises information relating to a priority order of processing a video segment by the receiving computer.

In an analogous art, Lenoir teaches associating a priority level with digital documents, allowing more important documents to be processed ahead of the less important (col. 8, lines 54-58).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to include information relating to a priority order of processing, as taught by Lenoir, for the benefit of allowing those video segments more important to senders to be processed ahead of the less important.

6. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and 'Streaming Email' as applied to claim 32 above, and further in view of Rose et al. (5,752,244, of record) [Rose].

Regarding claims 37 and 38, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 32, but fail to disclose the instruction comprises a resolution or image quality of the video segment.

In an analogous art, Rose teaches a multimedia asset management system wherein users input information specifying the resolution and image

quality of video and image data (col. 19, lines 33-52), affording users flexibility in the control of video and image data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to include instructions that specify a resolution or image quality of the video segment, as taught by Rose, for the benefit of affording users flexibility in the control of video segments.

7. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, 'Streaming Email', and Bartholomew as applied to claim 85 above, and further in view of RealVideo Content Creation Guide Version 1.0 [RealVideo].

Regarding claim 87, Ellis, 'Streaming Email', and Bartholomew disclose the method of claim 85, but fail to disclose publishing the link to a Web page.

In an analogous art, RealVideo discloses requesting a video by selecting a hyperlink pointing to a Web page that causes the streaming of the video (page 67), this is one of the several conventional sources of digital access to files available for disseminating content, wherein Web pages are among the most common.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis, 'Streaming Email', and Bartholomew to request the video segment by selecting a hyperlink pointing to a Web page that causes the streaming of the video as taught by RealVideo, as a matter of

design choice, with access from a Web page being one of the most obvious as it is one of the most common.

8. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, in view of 'Streaming Email', Bartholomew, and Allard et al. (5,422,656, of record) [Allard].

Regarding claim 90, the combination of Ellis in view of 'Streaming Email' and Bartholomew teach the method of claim 85, which shares all of the same claim limitations of claim 90, with the exception of sending the video to a cellular phone address.

In an analogous art, Allard teaches it was known at the time to incorporate email functionality into cellular phones, making it feasible that an input email address is the address of a cellular phone (col. 1, lines 40-52).

It would have been obvious at the time to a person of ordinary skill in the art to address email messages to cellular phones, as taught by Allard, wherein the video is thus being sent to a cellular phone address, for the benefit of receiving the video segments with the convenience afforded by mobile communication devices such as cellular phones.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/
Examiner, Art Unit 2623

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623